

Application No.: 10/509,748

REMARKS

Claim 1 is independent and stands rejected under 35 U.S.C. § 103 as being unpatentable over Lee '106 ("Lee") in view of Outzen '693 ("Outzen"). This rejection is respectfully traversed for the following reasons.

Claim 1 recites in pertinent part, "a flange of which shape is generally U-shaped having upper and lower surfaces and an outer periphery is disposed at an outer periphery of the connection pipe; the cylinder head is provided with *a generally U-shaped groove to which the generally U-shaped flange is fitted at a position corresponding to the flange*; and by fitting the flange into the groove, having an effective sealing width added to the upper and lower surfaces and the outer surface, thereby forming a seal portion so as to prevent a leakage of pressure pulsation in the resonance chamber to the outside" (emphasis added). According to one aspect of the claimed *combination*, leakage specifically *at the interface of the resonance chamber and connection pipe* to reduce noise can be prevented. On the other hand, the offset projections 17-18 of Outzen would not prevent such leakage as fluid from the alleged resonance chamber would flow along the alleged connection pipe on the opposite side of flange 18, then flow between the two flanges 17,18 across to the other side of the connection pipe, then exit by flowing along the alleged connection pipe on the opposite side of the flange 17. As previously argued, the cited prior art is unrelated to the drawbacks addressed by the present invention, and there is no prior art motivation for preventing leakage in the specified location of the compressor as enabled by the present invention.

The present invention is directed to a compressor-type which utilizes a resonance chamber for reducing noise. As described in Applicants' specification, one of the drawbacks of such a conventional compressor-type is the leakage that occurs *specifically at the interface of the resonance space and connection pipe*.

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The cited prior art is directed to different compressor-types in which a resonance chamber and associated sealing are not relevant. It follows that the configuration of the flange 22 of Lee has no disclosed need or desire to be modified for improving sealing. Outzen also is related to a non-resonance type compressor, whereby the alleged leakage improvement related to the flange has nothing to do with preventing leakage specifically in a resonance-type compressor which faces different issues than the device of Outzen.

Only Applicants have recognized and considered the issues related to leakage *specifically at the interface of a resonance chamber*, and conceived of a novel and non-obvious *combination* of a resonance chamber with a particular flange configuration which can make it possible to obviate such leakage. The Examiner maintained the rejection based on the allegation that the aforementioned distinctions were not previously clearly set forth in the claims. Accordingly, claim 1 has been amended to clarify the aforementioned distinctions, and is submitted to be patentable over the cited prior art.

The Examiner is directed to MPEP § 2143.03 under the section entitled "All Claim Limitations Must Be Taught or Suggested", which sets forth the applicable standard for establishing obviousness under § 103:

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (citing *In re Royka*, 180 USPQ 580 (CCPA 1974)).

In the instant case, the pending rejection does not "establish *prima facie* obviousness of [the] claimed invention" as recited in claim 1 because the proposed combination fails the "all the claim limitations" standard required under § 103.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are

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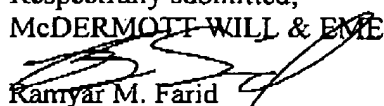
contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 1 is patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejections under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,
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